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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,847	07/10/2003	Masahiro Uchida	116505	9983
25944	7590	08/04/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			PRENTY, MARK V	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,847

Applicant(s)

UCHIDA, MASAHIRO

Examiner

MARK V PRENTY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003 and 31 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>July 31, 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

This Office Action is in response to the papers filed on July 10, 2003 and the preliminary amendment filed on October 31, 2003.

As a preliminary matter, a request for an interview will be granted if the interview is held before the applicant files a response.

Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 2 is indefinite because "a film thickness being set" lacks antecedent basis (note independent claim 1, which recites "a film thickness of the electrode layer being set").

Independent claim 3 is indefinite because "a film thickness being set" lacks antecedent basis (note independent claim 1, which recites "a film thickness of the electrode layer being set").

Independent claim 4 is indefinite because "film thicknesses being set" lacks antecedent basis (note independent claim 1, which recites "a film thickness of the electrode layer being set").

Independent claim 5 is indefinite because "a film thickness being set" lacks antecedent basis (note independent claim 1, which recites "a film thickness of the electrode layer being set").

Claims 1, 3, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama et al. (United States Patent 5,554,911 – hereafter Nakayama).

With respect to independent claim 1, Nakayama discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a light-emitting layer 105; and an electrode layer 103, a film thickness of the electrode layer being set so that light extracted from the light-emitting device out of light emitted in the light-emitting layer has a predetermined chromaticity value.

Claim 1 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama.

With respect to independent claim 3, Nakayama discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 101; a light-emitting layer 105 disposed above the substrate; and an electrode layer 106 disposed above the light-emitting layer; a film thickness of an electrode layer 103 being set so that light extracted through at least the substrate out of light emitted in the light-emitting layer has a predetermined chromaticity value.

Claim 3, at least insofar as understood, is thus rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama.

With respect to independent claim 5, Nakayama discloses an organic EL device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 101; an organic EL layer 105 disposed above the substrate; and an electrode layer 106 disposed above the organic EL layer; a film thickness of an electrode layer 103 being set so that light extracted through at least the substrate out of light emitted in the organic EL layer has a predetermined chromaticity value.

Claim 5, at least insofar as understood, is thus rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama.

With respect to dependent claim 9, Nakayama discloses that light-emitting devices are used in electronic apparatus (see column 1, lines 7-12).

Claim 9 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama.

Claims 1-5, 7 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda et al. (United States Patent 6,639,250 – hereafter Shimoda).

With respect to independent claim 1, Shimoda discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a light-emitting layer 4; and an electrode layer 5; a film thickness of the electrode layer 5 being set so that light extracted from the light-emitting device out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 1 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 2, Shimoda discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 1; a light-emitting layer 4 disposed above the substrate; an electrode layer 5 disposed above the light-emitting layer; and a material layer 6 or 7 disposed above the electrode layer to cover the light-emitting layer; a film thickness of the electrode layer 5 being set so that

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light extracted through at least the material layer out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 2, at least insofar as understood, is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 3, Shimoda discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 1; a light-emitting layer 4 disposed above the substrate; and an electrode layer 5 disposed above the light-emitting layer; a film thickness of the electrode layer 5 being set so that light extracted through at least the substrate out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 3, at least insofar as understood, is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 4, Shimoda discloses a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 1; an organic EL layer 4 disposed above the substrate; an electrode layer 5 disposed above the organic EL layer; and a material layer 6 or 7 disposed above the electrode layer to cover the organic EL layer; a film thickness of at least the electrode layer 5 being set so that light extracted through at least the material layer[s] out of light emitted in the organic EL layer[s] has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 4, at least insofar as understood, is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 5, Shimoda discloses an organic EL device (see the entire patent, including the Fig. 1 disclosure), comprising: a substrate 1; an organic EL layer 4 disposed above the substrate; and an electrode layer 5 disposed above the organic EL layer; a film thickness of the electrode layer 5 being set so that light extracted through at least the substrate out of light emitted in the organic EL layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 5, at least insofar as understood, is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to dependent claim 7, Shimoda's electrode layer 5 includes a plurality of laminated layers (see column 6, lines 58-60), and the film thickness of at least one of the plurality of layers being set.

Claim 7 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to dependent claim 9, Shimoda discloses that light-emitting devices are used in electronic apparatus (see column 15, lines 59-65).

Claim 9 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 10, Shimoda discloses a method of manufacturing a light-emitting device (see the entire patent, including the Fig. 1

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disclosure), comprising: disposing a light-emitting layer 4 above a substrate 1; disposing an electrode layer 5 above the light-emitting layer; and disposing a material layer 6 or 7 above the electrode layer to cover the light-emitting layer; film thickness of the electrode layer 5 being set so that light extracted through at least the material layer out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 10 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

With respect to independent claim 11, Shimoda discloses a method of manufacturing a light-emitting device (see the entire patent, including the Fig. 1 disclosure), comprising: disposing a light-emitting layer 4 above a substrate 1; and disposing an electrode layer 5 above the light-emitting layer; a film thickness of the electrode layer 5 being set so that light extracted through at least the substrate out of light emitted in the light-emitting layer has a predetermined chromaticity value (see column 6, lines 61-67, for example).

Claim 11 is thus rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda.

Claims 6, 8, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

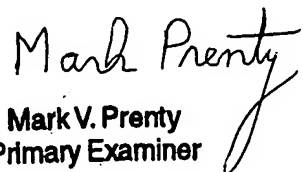
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The prior art of record does not disclose or suggest the claimed light-emitting devices taken as a whole, including the electrode layers.

Uchida (United States Patent Application Publication 2004/0061121) is related to this application.

Again, a request for an interview will be granted if the interview is held before the applicant files a response.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.


Mark V. Prenty
Primary Examiner